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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **SAM GEHRKE**; **MATHIEU LEWIS-ROLLAND**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

**DECLARATION OF NATHAN HOWARD
IN SUPPORT OF PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION AGAINST DEFENDANTS
U.S. DEPARTMENT OF HOMELAND
SECURITY AND U.S. MARSHALS
SERVICE**

I, Nathan Howard, declare:

1. I am Washington resident who lives in the City of Vancouver. I have been a photojournalist since 2014, when I began reporting for the Moscow-Pullman Daily news. I currently work on a freelance basis; my photographs have been published in the *Willamette Week*, *Mother Jones*, Bloomberg Images, Reuters, and the Associated Press. I have attended the protests in Portland some 20-25 times over the last two months for the purpose of documenting and reporting on them. If called as a witness, I could, and would, testify competently to the facts below.

2. When I report on the protests, I carry two large cameras. One is a Nikon D600 with a large 70-200mm f/2.8 telephoto lens, and the other is a Sony A92 with a 35mm lens. I also sometimes wear a helmet with the word "PRESS" on it in big block letters, but not always, because it interferes with my gas mask. I also wear a press pass issued by the National Press Photographers' Association, the largest and oldest body of professional photojournalists in the United States.

3. During the 2020 Portland protests, I have been hit by pepper balls three times. The first two times, they were not obviously targeted at me, so I gave the police the benefit of the doubt. This time was radically different.

4. Late on July 19 or early on July 20, I was covering interactions between federal agents and protesters near the Justice Center and the Hatfield Courthouse. One group of agents emerged from the courthouse and pushed protesters all the way to SW 4th Avenue. I remained in Chapman Square next to SW 3rd Avenue because another group of agents was coming from the other federal building two blocks south of the courthouse and I wanted to document them. The only other people near me were other journalists. The nearest protester was more than a full block away from me.

5. As the line of federal agents advanced north through the park, I saw them notice me and screamed "I'M PRESS, I'M PRESS," while holding up my press pass in one hand and my camera in the other. Agents in this group told me to stay where I was and passed me.

6. The two groups of federal agents merged and then began walking between the parks, with some agents walking closer to my position. Again, I screamed "I'M PRESS, I'M PRESS," while holding up my press pass in one hand and my camera in the other. Again, one of them said "okay, okay, stay where you are, don't come closer," or words to that effect.

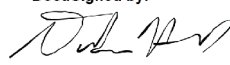
7. Three seconds after I was told to stay where I was, the agent to the left of the one who spoke took aim at me and fired at least two pepper balls directly at me. He obviously knew I was press and shot me at close range anyway.

8. After that, I turned and ran some 30-40 feet away and hid behind a tree until the agents lost interest in me. Some federal agents carry firearms with live, lethal ammunition. I did not want them to shoot me next.

9. I would like to continue attending and documenting the protests. That is my job, and I would like to be able to do my job and inform the public without being willfully and maliciously shot. I am fearful, however, that federal agents will continue to target me and possibly injure me to a much greater extent than they did on this occasion.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 20, 2020

DocuSigned by:

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Nathan Howard